

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT MCCARTHY,

Plaintiff,

v.

EMERYVILLE HOTEL DEVELOPMENT
VENTURE, L.P., et al.,

Defendants

No. C-06-0948 MMC

**ORDER DIRECTING PLAINTIFF TO
SHOW CAUSE WHY ACTION SHOULD
NOT BE DISMISSED FOR FAILURE TO
PROSECUTE**

By order filed February 13, 2006, the parties and counsel were ordered to hold a joint inspection of the premises at issue herein no later than May 24, 2006. (See Scheduling Order for Cases Asserting Denial Of Right to Access Under ADA.) Further, plaintiff was ordered to file a Notice of Need for Mediation no later than 45 days after the joint site inspection. (See id.) To date, plaintiff has not filed a Notice of Need for Mediation or submitted any other filing in the matter.

Accordingly, plaintiff is hereby ORDERED TO SHOW CAUSE, in writing and no later than August 18, 2006, why the above-titled action should not be dismissed for failure to prosecute. In the event plaintiff files a Notice of Need for Mediation by August 18, 2006, this order will be discharged.

IT IS SO ORDERED.

Dated: August 11, 2006


MAXINE M. CHESNEY
United States District Judge